

**DEKALB COUNTY – GOVERNING AUTHORITY;  
DEFINITION; CODE OF ETHICS; SANCTIONS;  
REFERENDUM.**

No. 951 (Senate Bill No. 539)

**AN ACT**

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), and by an Act establishing a code of ethics for the members of the governing authority of DeKalb County, approved March 20, 1990 (Ga. L. 1990, p. 3900), so as to change the definition of “member of the governing authority”; to provide for sanctions for the violation of the code of ethics; to provide for procedures, requirements, and other matters relative to the foregoing; to provide for a referendum; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**Section 1.** An Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), and by an Act establishing a code of ethics for the members of the governing authority of DeKalb County, approved March 20, 1990 (Ga. L. 1990, p. 3900), is amended by striking paragraph (8) of the subsection (b) of Section 22A and inserting in its place a new paragraph (8) to read as follows:

“(8) ‘Member of the governing authority’ or ‘member’ means the Chief Executive or any commissioner of DeKalb County, any member of a board appointed by the governing authority, or any elected or appointed officer or employee of DeKalb County who is not covered by the current or any future merit system of DeKalb County, except Superior and State Court Judges and their immediate staffs, the District Attorney, the solicitor of the State Court, the Clerks of the Superior and State Courts, Magistrates, Judges of the Records Court, and Judge of the Probate Court, and their respective staffs.”

**Section 2.** Said Act is further amended by striking subparagraph (i)(5)(B) of Section 22A and inserting in its place a new subparagraph (B) to read as follows:

“(B) To render advisory opinions with respect to the interpretation and application of this section to all persons who seek advice as to whether a particular course of conduct would constitute a violation of the standards imposed in this section or other applicable ethical standards. Such opinions shall be binding on the Board of Ethics in any subsequent complaint concerning the person who sought the opinion and acted in

good faith, unless material facts were omitted or misstated in the request for the advisory opinion.”

**Section 3.** Said Act is further amended by striking subparagraph (i)(6)(A) and inserting in its place a new subparagraph (A) to read as follows:

“(A) Any member of the governing authority who knowingly violates any provision of the code of ethics provided for in this section shall be subject to reprimand, suspension from office for up to 30 days, or removal from office, after notice and hearing, by the affirmative vote of five members of the Board of Ethics. The Board of Ethics by its own motion or as a result of a complaint filed with the Board of Ethics by any citizen or by a group of citizens of DeKalb County may make such investigation as it deems proper to carry out its duties under this paragraph. For the purpose of this paragraph, the Board of Ethics may hold and conduct hearings, issue subpoenas, examine witnesses, and administer oaths. The Board of Ethics shall apply to the Superior Court of DeKalb County for the enforcement of any subpoena issued by the board.”

**Section 4.** Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of DeKalb County for approval or rejection. The election superintendent shall conduct that election on the same date as the 1992 general election and shall issue the call therefore not less than 30 nor more than 45 days prior to that date. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

“( ) YES Shall the Act be approved which provides for expanded  
( ) NO jurisdiction of the Board of Ethics of DeKalb County.?”

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 5 of this Act. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by DeKalb County. It shall be the superintendent’s duty to certify the result thereof to the Secretary of State.

**Section 5.** Section 4 of this Act and this section shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval. If this Act is approved at the referendum provided for in Section 4 of this Act, the remaining sections of this Act shall become effective on January 1, 1993.

**Section 6.** All laws and parts of laws in conflict with this Act are repealed.